

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: §  
DAVID G. WALLACE, JR., §  
Debtor §  
§  
§ CASE NO. 15-31594-h4-7  
§  
§ CHAPTER 7

**DAVID G. WALLACE, JR.'S RESPONSE TO BIZRADIO NOTEHOLDERS'**  
**EMERGENCY MOTION TO LIFT STAY TO SEEK RELIEF AND CLARIFICATION**  
**OF JUDGE ATLAS'S ORDER APPROVING SETTLEMENT AND ENTERING FINAL**  
**BAR ORDER AND INJUNCTION IN FEDERAL DISTRICT COURT ACTION**

(Relates to Docket No. 40)

TO THE HONORABLE JEFF BOHM, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW David G. Wallace, Jr. ("Wallace"), the Debtor, and files this his Response to *Bizradio Noteholders' Emergency Motion to Lift Stay to Seek Relief and Clarification of Judge Atlas's Order Approving Settlement and Entering Final Bar Order and Injunction in Federal District Court Action* (Docket No. 40) (the "Motion") and shows:

- 1) Wallace submits this Response subject to FRCP 59 and 60(b) & (c).
- 2) Wallace admits Paragraph 1 of the Motion.
- 3) Wallace admits Paragraph 2 of the Motion.
- 4) Wallace denies Paragraph 3 of the Motion.
- 5) Wallace admits the first sentence of Paragraph 4 of the Motion. Wallace specifically denies the second sentence of Paragraph 4 of the Motion. Wallace admits the remainder of Paragraph 4 of the Motion
- 6) Paragraph 5 of the Motion speaks for itself and does not require a response.
- 7) The second Paragraph 5 of the Motion speaks for itself and does not require a response.

8) Wallace denies Paragraphs 6, 7, 8, 9, & 10 of the Motion.

**FURTHER RESPONSES**

9) The Motion fails to meet the elements necessary under FRCP 59 and 60(b) & (c).

It is not timely and must be denied.

10) The Movants lack standing.

11) The Receiver appointed by Judge Atlas has filed a Status Report, attached hereto as Exhibit "A," wherein in Section E. he details the reasons he also opposes the relief sought by Movants. Wallace submits that the Receiver is the only party in interest who may request relief in the Bizradio Noteholders' matter.

WHEREFORE, David G. Wallace, Jr. prays that the Motion be denied in its entirety, and for such other relief as is just.

Respectfully submitted,

HUGHES WATTERS ASKANASE LLP

By: /s/ Wayne Kitchens

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**ATTORNEYS FOR DAVID G. WALLACE, JR.**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the Response to *Bizradio Noteholders' Emergency Motion to Lift Stay to Seek Relief and Clarification of Judge Atlas's Order Approving Settlement and Entering Final Bar Order and Injunction in Federal District Court Action* has been served by U.S. First Class Mail, postage prepaid and/or electronic transmission to all registered ECF users appearing in the case on this 5<sup>th</sup> day of June, 2015.

/s/ Wayne Kitchens  
Wayne Kitchens

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**Case No. 15-31594**

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